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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Attorney Docket No.: JHU1120-11	
		In re Application of: Lee and McPherron	
		Application No: 09/628,112	Filed: July 27, 2000
		For: PROMYOSTATIN PEPTIDES (AS AMENDED)	
		Group Art Unit: 1646	Examiner: J. Andres

#23
DMT
12-9-02

Applicants hereby appeal to the Board of Appeals from the decision dated May 15, 2002 of the Examiner rejecting claims 1-3, 8-12 and 14-17.

1.	X	Appeal Fee (37 C.F.R. 1.17(b))	
		other than small entity	\$320.00
	X	Small entity	\$160.00

2.	X	A petition and fee for an extension of time for reply to the rejection is attached.						
X	Extension Fee (37 C.F.R. 1.17(a))							
		Other than small entity						
		\$110.00		\$400.00		\$920.00		\$1,440.00
	X	Small entity						
		\$55.00		\$200.00	X	\$405.00 –		\$720.00

11/22/2002 HDEMESS1 00000038 501355 09628112

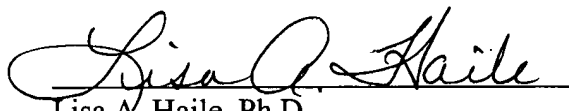
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PATENT
Attorney Docket No.: JHU1120-11

3.	X	The Commissioner is hereby authorized to charge Deposit Account No. 50-1355 for the total amount of \$565.00. (\$160.00; to file the Notice of Appeal and \$405.00 for the balance of the Three (3) Month Extension of Time fee minus a One (1) Month Extension of Time already paid). The Commissioner may charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355.
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November 15, 2002
Date


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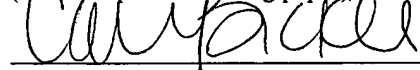
USPTO Customer Number: 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133

CERTIFICATION UNDER 37 CFR 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, November 15, 2002, addressed to: Box AF, Commissioner for Patents, Washington, D.C. 20231.

Carrie E. Bickle

(Name of person mailing paper)



Signature

November 15, 2002

Date